# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

ABDUL IBRAHIM WEST

JAMAAL BLANDING

JAMEEL HICKSON

HANS GADSON

Defendant

Defendant

18-249-2, -3, -4, -8

)

Philadelphia, PA

November 19, 2019

1:10 p.m.

TRIAL
BEFORE THE HONORABLE MICHAEL M. BAYLSON
UNITED STATES DISTRICT JUDGE

## **APPEARANCES:**

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1 (Clerk opens court at 1:10 p.m.) 2 THE COURT: All right. I'm advised that the jury has 3 a verdict. Before I bring the jury in --MR. GOLDMAN: Your Honor, Mr. Meehan is not here. 4 5 THE COURT: Oh, all right. You're, right. 6 Anybody know where he is? MR. WITHERELL: I don't know where he is. 7 8 THE CLERK: I did call him. He said he was on his 9 way in. I thought he was here. Sorry. 10 MR. WITHERELL: I can check outside. 11 THE COURT: Somebody check outside. I'll just have 12 to repeat what I'm about to say. The issue is -- but this 13 relates to his client. The issue is how to deal with the 14 separate interrogatory as to prior convictions. Now, I believe 15 this is an issue that is raised under the First Step Act. 16 What's the Government's position? 17 MR. WITHERELL: The Government's position is that the 18 First Step Act is required that certain facts now need to be 19 proved to the jury, not only the fact that the defendant has a 20 prior qualifying conviction, but that that conviction had 21 occurred within 15 years of the commencement of the charges in 22 this instant indictment, as well as the fact that the defendant 23 had to serve 12 or more months in jail on that prior 24 conviction. These are facts that I believe have to go to a

jury. We do have stipulations in that regard as to both

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defendants who have been charged with -- who 851 enhancements have been charged. That would be Defendant West and Defendant Blanding.

THE COURT: That's Defendant West and Blanding only?

MR. WITHERELL: That's correct, Your Honor. I do

believe, if the jury comes back with guilty verdicts as to

Counts 5, 6, and 12, which the First Step language was included

in the indictment as to those, we would have to present

additional evidence. I'm of the opinion that the additional

evidence presented is just reading in the stipulation, and they

would have to be permitted to deliberate on that.

MR. HUGHES: That makes sense, Your Honor.

THE COURT: What should their verdict be, assuming you're right? You read the stipulation. Then you want to argue?

MR. WITHERELL: I believe, Judge, that it is a different part. There is -- we would both be permitted to close.

THE COURT: Okay. Well, it would be a short argument.

MR. WITHERELL: I believe it would be very short.

THE COURT: What should the jury be asked when they come back?

MR. WITHERELL: Your Honor, in our original verdict sheet, we did provide jury verdict forms on bifurcated counts.

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     It's on page 27, 28.
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               THE COURT: I'm not sure I have that right in here
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     right now.
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               MR. WITHERELL: Obviously, Your Honor, this was done
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    prior to many of the defendants pleading guilty, so ours
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     contains some reference to other defendants. It would need to
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    be removed.
               THE COURT: Well, this would be the charge.
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               MR. WITHERELL: I do have charges, Your Honor, that
    were contained in our original.
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               THE COURT: Well, the stipulation covers these, don't
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     they?
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               MR. WITHERELL: Absolutely, Your Honor.
               THE COURT: So all we need is -- what I want to know
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     is, what should the verdict be?
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               MR. WITHERELL: I believe the verdict should be that
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     they --
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               THE COURT: Yes or no; is that right?
               MR. WITHERELL: Yes, on three different criteria.
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               THE COURT: Did you include a verdict sheet in this
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     or no?
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               MR. WITHERELL: The verdict form is right here, Your
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    Honor.
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               THE COURT: To be honest with you, I didn't include
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    this, obviously, in my revised verdict sheet.
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Well, Mr. Hughes, just speaking for your client, you've stipulated to what the jury -- that the jury could find yes to all these questions; is that right? MR. HUGHES: We stipulated to the record of conviction, Your Honor, that it met those criteria. It's a case in Philadelphia County, and it is exactly as Mr. Witherell described it. THE COURT: There's several questions as to Mr. Blanding. First question, that he was convicted of possession with intent to distribute. So you've stipulated to that; is that right? MR. HUGHES: Yes. THE COURT: Then the second question, that he served more than 12 months in prison? MR. HUGHES: Yes. THE COURT: The third question is that he was released from serving any term of prison for that offense within 15 years of the commencement of the possession in this case; is that right? MR. HUGHES: We would agree to that as well, Your Honor. THE COURT: You've agreed to all of these; is that right? MR. HUGHES: Yes.

THE COURT: So you have no objection to the

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Government reading the stipulation?
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               MR. HUGHES: No objection to the stipulation, Your
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     Honor.
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               THE COURT: Have you discussed this with your client?
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               MR. HUGHES: Yes. We executed it.
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               MR. WITHERELL: I do have both stipulations here,
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     Judge, signed by all parties.
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               THE COURT: Signed by the defendants also?
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               MR. WITHERELL: Signed by the defendants as well.
               MR. HUGHES: For the record, that's for Counts 5, 6,
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     and 12.
               MR. WITHERELL: 6 and 12.
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               THE COURT: Do we have a cell phone number for
    Mr. Meehan? Can we call him?
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               This would only pertain to Mr. West and Mr. Blanding;
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     is that right?
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               MR. WITHERELL: Yes, Your Honor.
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               THE COURT: So, Mr. Hughes, you have stipulated that
     the jury can answer basically "yes" to all these questions; is
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     that right?
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               MR. HUGHES: Essentially, Your Honor, yes. We have
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     stipulated to the facts of the conviction as presented. I
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     believe, as Mr. Witherell has stated, that the jury needs to --
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               THE COURT: Can I use this jury form?
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               MR. WITHERELL: You can, Judge. I mean, there are
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other defendants listed on that jury form that were part prior to this.

THE COURT: Well, this looks like they have to answer all these questions.

MR. WITHERELL: They have to --

THE COURT: There's a stipulation as to Mr. Blanding. They can answer yes to all of them.

MR. WITHERELL: I believe that they can answer yes to all of them. I believe it's still within their purview. There should be three questions per defendant.

THE COURT: Well, per count.

MR. WITHERELL: Yes, per count.

MR. STENGEL: Per count, per defendant.

THE COURT: Well, we don't have multiple copies of this, at least not at the moment. I will make them.

MR. STENGEL: Your Honor, the only thing, our initial proposed verdict form, I believe, would have included references to Mr. Amir Boyer and Mr. Daryl Baker because those 922(g) counts would have been bifurcated as well. I just want to make sure, if you're using that as our verdict form, that there's no reference to anybody else.

THE COURT: I don't see any.

MR. STENGEL: Okay.

THE COURT: Oh, here's Mr. Meehan. Mr. Meehan, good afternoon. The jury has a verdict, so we're told. I don't

know what the verdict is, but if it is guilty as to your client 1 2 on Counts 5, 6, or 12, the question is the jury verdict form. 3 And I've gone over it with Mr. Hughes representing 4 Mr. Blanding. 5 Are you familiar with this? 6 MR. MEEHAN: The jury verdict form? 7 THE COURT: For the bifurcated counts, the so-called 8 enhancement counts under the First Step. 9 MR. MEEHAN: Based on the prior record? THE COURT: Yeah. 10 11 MR. MEEHAN: Yes. 12 THE COURT: I understand from Mr. Witherell that you 13 stipulated; is that correct? 14 MR. MEEHAN: Yes, sir. 15 THE COURT: So I'm going to advise the jury, if they 16 find Mr. West or Mr. Blanding guilty on those counts, that 17 they're going to have to deliberate, and we're going to have a very short argument, if any. We're going to read the 18 19 stipulation first of prior conviction and then give the 20 Government five minutes to argue, and I'll give each of you, if you want, five minutes to argue. I don't know what you're 21 22 going to argue if you have a stipulation. But then the jury 23 has to go back and deliver a verdict on these supplemental 24 counts.

MR. MEEHAN: I understand.

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THE COURT: Do you have any objection to that?

MR. MEEHAN: Thank you.

THE COURT: Anybody else object to that? All right. So we'll bring the jury in, and Ms. Lutz is going to read the interrogatories one by one. Bring in the jury. I will first ask them if they have a verdict, the foreperson, if they have a verdict and if they're unanimous on all questions.

I just want to say in the audience, everyone is welcome to obviously listen. If there are any outbursts, that person -- I want to authorize the deputy marshals to remove anybody who makes any outburst or statement. Everyone will remain quiet. And then after the verdict, the jury will be either excused or they'll return for further deliberations on these additional questions, and everyone must remain seated until the jury leaves the room.

> (The jury enters the courtroom at 1:22 p.m.)

THE COURT: All right. Ladies and gentlemen, we've been advised that the jury has reached a verdict. Would the foreperson please rise.

Juror No. 8, has the jury -- is the jury unanimous on all questions?

THE FOREPERSON: Yes, they are.

THE COURT: We're going to -- Ms. Lutz is going to read them one by one, and please give the answers -- have you

signed the verdict slip as the foreperson? 1 2 THE FOREPERSON: Yes, I have. THE COURT: Then you'll give the answer, and then 3 4 Ms. Lutz will then question each member of the jury whether you 5 agree with the verdict as it has announced by the foreperson. 6 Okay. Proceed with Count 1, please. 7 THE CLERK: Okay. Count 1, conspiracy to distribute 8 cocaine, cocaine base, crack, methamphetamine, or heroin from on or about March 22, 2017, through on or about June 12, 2018, 9 we unanimously find Abdul Ibrahim West guilty or not guilty. 10 11 THE FOREPERSON: Guilty. 12 THE CLERK: We unanimously find Jamaal Blanding 13 quilty or not quilty. 14 THE FOREPERSON: Guilty. 15 THE CLERK: We unanimously find Jameel Hickson guilty 16 or not guilty. 17 Guilty. THE FOREPERSON: 18 THE CLERK: We unanimously find Hans Gadson guilty or 19 not quilty. 20 THE FOREPERSON: Guilty. 21 THE COURT: All right. Proceed to the jury interrogatories for Count 1 on page 2 as to cocaine, Question 22 23 No. 1. 24 THE CLERK: Do you unanimously agree, by proof beyond 25 a reasonable doubt, that the quantity of the mixture or

substance containing a detectable amount of cocaine, which was involved in the conspiracy and which was attributable to and/or reasonably foreseeable to the defendants you have found guilty, was 5 kilograms or more?

THE FOREPERSON: Yes.

THE COURT: Now, skip to the questions under cocaine base or crack at the top of page 3.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine base, crack, which was involved in the conspiracy and which was attributable to and/or reasonably foreseeable to the defendants you have found guilty, was 280 grams or more?

THE FOREPERSON: Yes.

THE COURT: We'll now skip to the questions under methamphetamine, Question No. 1 at the bottom of page 3.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of methamphetamine, which was involved in the conspiracy and which was attributable to and/or reasonably foreseeable to the defendants you have found guilty, was 50 grams or more?

THE FOREPERSON: Yes.

THE COURT: We will now go to the questions under heroin on page  $4. \,$ 

THE CLERK: Do you unanimously agree, by proof beyond

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a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of heroin which was involved in the conspiracy and which was attributable to and/or reasonably foreseeable to the defendants you have found quilty, was 100 grams or more? THE FOREPERSON: No. THE COURT: Okay. We'll now proceed to Count 4 on page 5. THE CLERK: Distribution of cocaine base, crack, and aiding and abetting on or about June 22, 2017, we unanimously find Abdul Ibrahim West guilty or not guilty. THE FOREPERSON: Guilty. THE COURT: Count 5 on page 6. THE CLERK: Distribution of cocaine base, crack, and aiding and abetting on or about August 17, 2017, we unanimously find Abdul Ibrahim West guilty or not guilty. THE FOREPERSON: Guilty. THE COURT: Interrogatory No. 1. THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine base, crack, which the defendant distributed or of which the defendant aided and abetted distribution, was 28 grams or more? THE FOREPERSON: Yes. THE COURT: Now, go to Count 6 on page 7 as to the

four defendants, guilty or not guilty. Ms. Lutz will read the question.

THE CLERK: Possession of cocaine base, crack, heroin, or methamphetamine with intent to distribute and aiding and abetting on or about September 11, 2017, we unanimously find Abdul Ibrahim West guilty or not guilty.

THE FOREPERSON: Guilty.

THE CLERK: We unanimously find Jamaal Blanding guilty or not guilty.

THE FOREPERSON: Guilty.

THE CLERK: We unanimously find Jameel Hickson guilty or not guilty.

THE FOREPERSON: Not guilty.

THE CLERK: We unanimously find Hans Gadson guilty or not guilty.

THE FOREPERSON: Guilty.

THE COURT: We'll now go to the interrogatories for Count 6, cocaine base or crack, at the bottom of page 7.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine base, crack, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 28 grams or more?

THE FOREPERSON: Yes.

THE COURT: This is as to Defendant West. 1 2 THE CLERK: Yes. 3 THE COURT: Next question as to methamphetamine as to 4 Defendant West, top of page 8. 5 THE CLERK: Do you unanimously agree, by proof beyond 6 a reasonable doubt, that defendant possessed with intent to 7 distribute or aided and abetted possession with intent to 8 distribute a quantity of a mixture or substance containing a detectable amount of methamphetamine? 9 10 THE FOREPERSON: No. 11 THE COURT: Okay. We'll now go to heroin as to Defendant West at the bottom of page 8. 12 13 THE CLERK: Do you unanimously agree, by proof beyond 14 a reasonable doubt, that the quantity of the mixture or 15 substance containing a detectable amount of heroin, which the 16 defendant possessed with intent to distribute or of which the 17 defendant aided and abetted possession with intent to 18 distribute, was 100 grams or more? 19 THE FOREPERSON: No. 20 THE COURT: Okay. We'll now go to jury 21 interrogatories as to Count 6 as to Defendant Jamaal Blanding. 22 Question No. 1 as to cocaine base or crack. 23 THE CLERK: Do you unanimously agree, by proof beyond 24 a reasonable doubt, that the quantity of the mixture or 25 substance containing a detectable amount of cocaine base,

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crack, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 28 grams or more?

THE FOREPERSON: Yes.

THE COURT: We'll now go to methamphetamine as to Defendant Blanding at the bottom of page 9.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the defendant possessed with intent to distribute or aided and abetted possession with intent to distribute a quantity of a mixture or substance containing a detectable amount of methamphetamine?

THE FOREPERSON: Yes.

THE COURT: We'll now go to questions concerning heroin for Defendant Jamaal Blanding at the top of page 10.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of heroin, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 100 grams or more?

THE FOREPERSON: No.

THE COURT: Okay. We will skip interrogatories as to Defendant Hickson because the jury found him not quilty of crack, Count 6. So we will now go to the interrogatories for Count 6 as to Defendant Hans Gadson at the top of page 12.

First question as to cocaine base or crack.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine base, crack, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 28 grams or more?

THE FOREPERSON: Yes.

THE COURT: Now, go to the question concerning methamphetamine for Defendant Hans Gadson at the bottom of page 12.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the defendant possessed with intent to distribute or aided and abetted possession with intent to distribute a quantity of a mixture or substance containing a detectable amount of methamphetamine?

THE FOREPERSON: No.

THE COURT: We'll now go to the question concerning heroin as to Defendant Gadson on page 13.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of heroin, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 100 grams or more?

1 THE FOREPERSON: No.

THE COURT: We will now go to the verdict for Count 12 at the top of 14 charging Defendants West, Blanding, and Hickson.

THE CLERK: Possession of cocaine or methamphetamine with intent to distribute and aiding and abetting on or about May 17, 2018, we unanimously find Abdul Ibrahim West guilty or not guilty.

THE FOREPERSON: Guilty.

THE CLERK: We unanimously find Jamaal Blanding guilty or not guilty.

THE FOREPERSON: Guilty.

THE CLERK: We unanimously find Jameel Hickson guilty or not guilty.

THE FOREPERSON: Guilty.

THE COURT: We'll now go to the interrogatories under Count 12, first for Defendant West as to cocaine.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 5 kilograms or more?

THE FOREPERSON: Yes.

THE COURT: All right. We'll now go to

methamphetamine on page 15.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the methamphetamine, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 50 grams or more?

THE FOREPERSON: Yes.

THE COURT: We will now go to the question as to Defendant Blanding concerning cocaine on page 16.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 5 kilograms or more?

THE FOREPERSON: Yes.

THE COURT: We will now go to the questions for Defendant Jameel Blanding as to methamphetamine.

THE CLERK: Do you unanimously agree by proof beyond a reasonable doubt that the quantity of the methamphetamine which the defendant possessed with intent to distribute or which the defendant aided and abetted possession with intent to distribute was 50 grams or more?

THE FOREPERSON: Yes.

THE COURT: Now go to the interrogatories for

Defendant Jameel Hickson as to cocaine starting at the bottom of page 17.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of the mixture or substance containing a detectable amount of cocaine, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 5 kilograms or more?

THE FOREPERSON: Yes.

THE COURT: We will now go to the questions for methamphetamine as to Defendant Jameel Hickson at the bottom of page 18.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that the quantity of methamphetamine, which the defendant possessed with intent to distribute or of which the defendant aided and abetted possession with intent to distribute, was 50 grams or more?

THE FOREPERSON: Yes.

THE COURT: All right. And that's signed by yourself as foreperson?

THE FOREPERSON: Yes.

THE COURT: Thank you. You may be seated.

Ms. Lutz will now inquire of each juror whether you agree with the verdict as it's been announced by the foreperson starting with Juror No. 1.

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               THE CLERK: Juror No. 1, do you agree with the
    verdict that has been recorded?
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               JUROR NO. 1: Yes, I do.
               THE CLERK: Juror No. 2, do you agree with the
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     verdict as it has been recorded?
               JUROR NO. 2: Yes.
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               THE CLERK: Juror No. 3, do you agree with the
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    verdict as it has been recorded?
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               JUROR NO. 3: Yes.
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               THE CLERK: Juror No. 4, do you agree with the
     verdict as it has been recorded?
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               JUROR NO. 4: Yes.
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               THE CLERK: Juror No. 5, do you agree with the
     verdict as it has been recorded?
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               JUROR NO. 5: Yes.
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               THE CLERK: Juror No. 6, do you agree with the
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     verdict as it has been recorded?
               JUROR NO. 6: Yes.
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               THE CLERK: Juror No. 7, do you agree with the
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     verdict as it has been recorded?
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               JUROR NO. 7: Yes.
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               THE CLERK: Juror No. 8, do you agree with the
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     verdict as it has been recorded?
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               THE FOREPERSON: Yes.
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               THE CLERK: Juror No. 9, do you agree with the
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verdict as it has been recorded?

JUROR NO. 9: Yes.

THE CLERK: Juror No. 10, do you agree with the verdict as it has been recorded?

JUROR NO. 10: Yes.

THE CLERK: Juror No. 11, do you agree with the verdict as it has been recorded?

JUROR NO. 11: Yes.

THE CLERK: Juror No. 12, do you agree with the verdict as it has been recorded?

JUROR NO. 12: Yes.

THE COURT: Your verdict will be recorded, and just give me one minute to speak with Ms. Lutz.

(Conferring.)

THE COURT: All right. Ladies and gentlemen of the jury, under the law, now that you have returned the verdicts that you have announced, I am required to ask you to deliberate further as to two of the defendants.

Now, under the law, and this is a federal law adopted by Congress, there is a stipulation of fact that Mr. Witherell will read to you shortly that two of the defendants have prior convictions. I am required to submit those facts to you and for you to return to the jury room to render an additional verdict, which I'll explain to you in a minute. But first I'm going to have Mr. Witherell read to you the stipulation -- or

Mr. Stengel, either one -- read the stipulation that has been agreed to as to Defendants West and Blanding.

MR. WITHERELL: May I, Your Honor?

THE COURT: Yes, please.

MR. WITHERELL: As to Defendant Abdul Ibrahim West pertaining to Counts 5, 6, and 12, it is hereby stipulated and agreed by and between the United States of America by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, Everett Witherell and Timothy Stengel, Assistant United States Attorneys, Defendant Abdul Ibrahim West in his own right and his attorney, Edward Meehan, the following facts are true and correct and may be entered into the record at trial.

On or about April 9, 2013, in the Court of Common Pleas of Philadelphia County, Pennsylvania, Defendant Abdul Ibrahim West was sentenced to a term of imprisonment of three to six years upon his conviction for manufacturing, delivering, or possessing with intent to manufacture or deliver a controlled substance in violation of 35 PS 780-113(a)(30), which is a serious drug felony as defined in Title 21 United States Code Section 802 Subsection 57, for which the defendant served a term of imprisonment of more than 12 months, from which he was released within 15 years of the commencement of his involvement in the offenses charged in the indictment. This stipulation shall be received as an exhibit at trial and

stipulated and agreed to by Abdul Ibrahim West, Edward Meehan, Everett Witherell, and Timothy Stengel.

As to Defendant Jamaal Blanding as to Counts 6 and 12, it is hereby stipulated and agreed by and between the United States of America by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, Everett Witherell and Timothy Stengel, Assistant United States Attorneys, Defendant Jamaal Blanding in his own right, and his attorney, Evan Hughes, the following facts are true and correct and may be entered into the record at trial.

On or about January 24, 2014, in the Court of Common Pleas of Philadelphia County, Pennsylvania, Defendant Jamaal Blanding was sentenced to a term of imprisonment of two to four years upon his conviction for manufacturing, delivering, or possessing with intent to manufacture or deliver a controlled substance in violation of 35 PS 780-113(a)(30), which is a serious drug felony as defined in Title 21 United States Code Section 802 Subsection 57, for which the defendant served a term of imprisonment of more than 12 months, from which he was released within 15 years of the commencement of his involvement in the offenses charged in the indictment. This stipulation shall be received as an exhibit at trial, stipulated and agreed to, Jamaal Blanding, Evan Hughes, Everett Witherell, and Timothy Stengel.

Thank you, Your Honor.

1 THE COURT: Mr. Meehan, you confirm your agreement as 2 stated by Mr. Witherell? 3 MR. MEEHAN: Yes, I will, Judge. THE COURT: Mr. Hughes, you confirm your agreement on 4 5 behalf of your client? 6 MR. HUGHES: Yes, Your Honor. 7 THE COURT: So under the law, ladies and gentlemen of 8 the jury, because this related to prior convictions, we don't 9 include that as part of the regular trial, but the law requires 10 me to submit this to the jury. 11 Now, do either counsel want to make any argument? 12 Mr. Witherell? MR. WITHERELL: No, Judge, I have no argument. 13 THE COURT: Mr. Meehan? 14 15 MR. MEEHAN: Neither do I, Your Honor. 16 THE COURT: Mr. Hughes? 17 MR. HUGHES: No, Your Honor. 18 THE COURT: So I have a verdict form here which asks 19 you about these prior convictions, so as I said before, with 20 regards to stipulations, you may consider it as a fact. But I can't fill this out, so we require the jury to retire. But I 21 can tell you, by virtue of the stipulations, you're authorized 22 23 to answer every one of these questions yes that are on here 24 that relate to the prior convictions. They pertain as to 25 Mr. West as to Counts 5 and 6 and to Count 12, and I believe

the same counts as to Mr. Blanding.

So I'm required to -- my law clerk asked me to check something. Mr. Blanding there's a reference to Count 11 here. I'm crossing that out. That's no longer in the case. Thank you. So Mr. Blanding it would be Counts 6 and 12. As to Mr. West it's Counts 5, 6, and 12. Okay. And there's a place for the foreperson to sign for each defendant.

So I'm going to give this to you, and as I said, under the stipulations that were read, you're authorized to answer yes to every one of these questions, but I have to ask you to go back to the jury room. You may deliberate as much as you want or you may just authorize the foreperson to sign it. And then you'll come back in and announce your verdict in open court. That's how we have to do it.

MR. WITHERELL: Your Honor, may I just see you at sidebar real quick?

(Sidebar discussion as follows:)

MR. WITHERELL: I don't want to make this difficult.

I think you should instruct them it's solely up to them to decide. The stipulation may be rejected.

(End of sidebar discussion.)

THE COURT: Ladies and gentlemen, as I said before, even though this is a stipulation agreed to with the consent of their clients, it's still up to you to determine whether you accept it or not, but it is agreed to. So I don't have

multiple -- there's only one copy of this. So the foreperson 1 can sign it whenever the jury is unanimous, and then you'll 2 3 return to the courtroom and then you'll be done. So thank you very much for your patience. The jury may retire. 4 5 Everyone else remain seated until the jury leaves the 6 room. 7 (The jury exits the courtroom at 1:45 p.m.) 8 THE COURT: All right. We'll be in recess until the 9 jury comes back, but I'm going to ask counsel to remain either 10 in court or in the hallway. 11 MR. ORTIZ: We don't need to stay as it doesn't pertain to us, right? 12 13 THE COURT: That's right. Can counsel for Mr. Gadson and Mr. Hickson be 14 15 excused? 16 MR. WITHERELL: I have no objection. 17 MR. ORTIZ: It doesn't pertain to us at all. 18 THE COURT: I think the marshals can take Mr. Hickson 19 and Mr. Gadson back to the cell room. They're not part of this 20 proceeding. 21 Mr. Hughes, do you want your client to remain in the courtroom? Mr. Meehan? 22 23 Can I ask the marshal, Mr. Hickson and Mr. Gadson can 24 go back downstairs. I'd rather have Mr. West and Mr. Blanding 25 wait in the ante room.

1 THE MARSHAL: Yes, sir.

THE COURT: We'll be in recess. I doubt this will be very long.

(Recess taken from 1:47 p.m. 2:02 p.m.)

THE COURT: All right. I'm told the jury has a verdict. Everybody's here.

(The jury enters the courtroom at 2:02 p.m.)

THE COURT: Okay. Ladies and gentlemen of the jury, everyone is here. I've been advised the jury is unanimous on the supplemental verdict on the bifurcated counts as to the prior convictions, so Ms. Lutz will now read each question.

Will the foreperson please rise. You're number eight.

THE CLERK: Distribution of cocaine base, crack, and aiding and abetting on or around August 17, 2017, do you unanimously agree, by proof beyond a reasonable doubt, that before Abdul Ibrahim West committed the offense charged in Count 5, he was convicted of the offense of possession with intent to distribute a controlled substance in violation of 35 PaCSA 780-113(a)(30)?

THE FOREPERSON: Yes.

THE CLERK: If so, do you unanimously agree, by proof beyond a reasonable doubt, that he served more than 12 months in prison for that offense?

1 THE FOREPERSON: Yes. 2 THE COURT: Now we go to Question No. 3 at the top of 3 page 28, what's marked page 28. Go ahead. 4 THE CLERK: Do you unanimously agree, by proof beyond 5 a reasonable doubt, that he was released from serving any term 6 of imprisonment for that offense within 15 years of the 7 commencement of the distribution of cocaine base, crack, 8 charged in Count 5? 9 THE FOREPERSON: Yes. 10 THE COURT: All right. We now go to Count 6 as to Mr. West. 11 THE CLERK: Possession with intent to distribute 12 13 cocaine base, crack, heroin, or methamphetamine and aiding and abetting on or around September 11, 2017, do you unanimously 14 15 agree, by proof beyond a reasonable doubt, that before Abdul 16 Ibrahim West committed the offense charged in Count 6, he was 17 convicted of the offense of possession with intent to 18 distribute a controlled substance in violation of 35 PaCSA 19 780-113(a)(30)? 20 THE FOREPERSON: Yes. 21 THE COURT: Question No. 2. 22 THE CLERK: Do you unanimously agree, by proof beyond 23 a reasonable doubt, that he served more than 12 months in 24 prison for that offense? 25 THE FOREPERSON: Yes.

THE COURT: Now go to Question No. 3.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that he was released from serving any term of imprisonment for that offense within 15 years of the commencement of the possession with intent to distribute the controlled substances charged in Count 6?

THE FOREPERSON: Yes.

THE COURT: Count 12 as to Mr. West.

THE CLERK: Possession with intent to distribute cocaine or methamphetamine and aiding and abetting on or around May 17, 2018, do you unanimously agree, by proof beyond a reasonable doubt, that before Abdul Ibrahim West committed the offense charged in Count 12, he was convicted of the offense of possession with intent to distribute a controlled substance in violation of 35 PaCSA 780-113(a)(30)?

THE FOREPERSON: Yes.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that he served more than 12 months in prison for that offense?

THE FOREPERSON: Yes.

THE COURT: All right. Question 3.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that he was released from serving any term of imprisonment for that offense within 15 years of the commencement of the possession with intent to distribute

controlled substances charged in Count 12? 1 2 THE FOREPERSON: Yes. THE COURT: Did you sign that? 3 THE FOREPERSON: Yes. 4 5 THE COURT: Thank you. We'll now proceed as to 6 Defendant Jamaal Blanding. THE CLERK: Possession with intent to distribute 7 8 cocaine base, crack, heroin, or methamphetamine and aiding and 9 abetting on or around September 11, 2017, do you unanimously 10 agree, by proof beyond a reasonable doubt, that before Jamaal 11 Blanding committed the offense charged in Count 6, he was convicted of the offense of possession with intent to 12 13 distribute a controlled substance in violation of 35 PaCSA 780-113(a)(30)? 14 15 THE FOREPERSON: Yes. 16 THE COURT: Question 2. 17 THE CLERK: Do you unanimously agree, by proof beyond 18 a reasonable doubt, that he served more than 12 months in 19 prison for that offense? 20 THE FOREPERSON: Yes. 21 THE COURT: Three. Go ahead. 22 Do you unanimously agree, by proof beyond THE CLERK: 23 a reasonable doubt, that he was released from serving a term of 24 imprisonment for that offense within 15 years of the 25 commencement of the possession with intent to deliver

controlled substances in Count 6?

THE FOREPERSON: Yes.

THE COURT: Go to Count 12 as to Mr. Blanding.

THE CLERK: Possession with intent to distribute cocaine or methamphetamine and aiding and abetting on or around May 17, 2018, do you unanimously agree, by proof beyond a reasonable doubt, that before Jamaal Blanding committed the offense charged in Count 12, he was convicted of the offense of possession with intent to distribute a controlled substance in violation of 35 PaCSA 780-113(a)(30)?

THE FOREPERSON: Yes.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that he served more than 12 months in prison for that offense?

THE FOREPERSON: Yes.

THE CLERK: Do you unanimously agree, by proof beyond a reasonable doubt, that he was released from serving any term of imprisonment for that offense within 15 years of the commencement of the possession with intent to distribute controlled substances charged in Count 12?

THE FOREPERSON: Yes.

THE COURT: And you've signed that?

THE FOREPERSON: Yes.

THE COURT: I'll ask Ms. Lutz to ask each juror if they agree with the verdict as announced by the foreperson.

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               THE CLERK: Juror No. 1, do you agree with the
     verdict as it has been recorded?
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               JUROR NO. 1: Yes.
               THE CLERK: Juror No. 2, do you agree with the
 4
 5
     verdict as it has been recorded?
               JUROR NO. 2: Yes.
 6
 7
               THE CLERK: Juror No. 3, do you agree with the
 8
    verdict as it has been recorded?
 9
               JUROR NO. 3: Yes.
10
               THE CLERK: Juror No. 4, do you agree with the
     verdict as it has been recorded?
11
               JUROR NO. 4: Yes.
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               THE CLERK: Juror No. 5, do you agree with the
     verdict as it has been recorded?
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               JUROR NO. 5: Yes.
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               THE CLERK: Juror No. 6, do you agree with the
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     verdict as it has been recorded?
               JUROR NO. 6: Yes.
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               THE CLERK: Juror No. 7, do you agree with the
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     verdict as it has been recorded?
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               JUROR NO. 7: Yes.
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               THE CLERK: Juror No. 8, do you agree with the
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     verdict as it has been recorded?
24
               THE FOREPERSON: Yes.
25
               THE CLERK: Juror No. 9, do you agree with the
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verdict as it has been recorded?

JUROR NO. 9: Yes.

THE CLERK: Juror No. 10, do you agree with the verdict as it has been recorded?

JUROR NO. 10: Yes.

THE CLERK: Juror No. 11, do you agree with the verdict as it has been recorded?

JUROR NO. 11: Yes.

THE CLERK: Juror No. 12, do you agree with the verdict as it has been recorded?

JUROR NO. 12: Yes.

THE COURT: All right. The verdicts will be recorded. And, ladies and gentlemen of the jury, that completes your duties and obligations as members of this jury, and I thank you very much for your public service. I know it's been a lengthy time, but it's an important case. That's why we have juries in every case and this one also that we have citizens like yourselves willing to spend time on a jury and participating in the justice system. It is very much appreciated, and I hope you look back on this experience as having been a worthwhile aspect of your being citizens and members of our community.

I'm going to come back shortly and thank each one of you individually and answer any questions you may have. When you're leaving, if you want to talk to counsel now, you may do

so. They may be waiting outside. You are under no obligation to talk to counsel if you don't want to, but if you want to, you can.

The only thing that I suggest to you, if you want to talk to counsel, is that you don't go through the deliberations as to who said what. But if you want to talk about your own personal reaction to the evidence or the case or ask any questions of them or they may ask questions of you, you're welcome to. I think the content of the deliberations should remain confidential among the twelve of you.

Where are the alternates? Thanks to you, too, for your service. You're welcome to come back to the jury room when I say thank you, and I'll be happy to answer any of the questions you have. With that, the jury is excused. I want to thank counsel for your cooperation. Before we do that,

Ms. Lutz is going to announce sentencing dates.

THE CLERK: Sentencing dates, Abdul West, March 30, 2020, at 4:00 p.m.; Jamaal Blanding, April 2, 2020, at 4:00 p.m.; Jameel Hickson, April 6, 2020, at 4:00 p.m.; and Hans Gadson, April 8, 2020, at 4:00 p.m.

THE COURT: Thank you. With that, the court's adjourned. Remain seated until the jury leaves the room. All right. The jury is excused. I'll be back in the jury room. Thank you. And the alternates can come back as well.

(The jury is excused at 2:13 p.m.)

THE COURT: Is this the first time you've answered 1 questions on a First Step Act? 2 MR. WITHERELL: No, Judge. We've actually done that 3 4 on another case. I haven't personally, but it's been done. 5 THE COURT: Thank you very much. You were very well 6 prepared, and all counsel have been very cooperative in 7 logistics of this case, which were complicated. I want to 8 thank the case agents as well. I think they performed 9 admirably. 10 SPECIAL AGENT BECKER: Thank you, Your Honor. 11 SPECIAL AGENT SIMPSON: Thank you, Your Honor. 12 THE COURT: I intend to write the director and 13 compliment the two case agents. 14 (Proceedings adjourned at 2:13 p.m.) 15 16 CERTIFICATE 17 18 I certify that the foregoing is a correct transcript from the 19 record of proceedings in the above-entitled matter. 20 21 22 23 Shannan Gagliardi, RDR, CRR 24 25

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Case 2:18-cr-002/19-1	MMB Document 541 Filed 12/19	0 1/18/07 2 175-273-14 (1278/14 ff 2117) 28/18 29/15
	2013 [1] 23/14	30/12 35/17
JUROR NO. 10: [2] 22/5 34/5 JUROR NO. 11: [2] 22/8 34/8	<b>2013</b> [1] 23/14 <b>2014</b> [1] 24/11	abetted [16] 13/23 14/23 15/7 15/17 16/2
JUROR NO. 12: [2] 22/11 34/11	<b>2017</b> [7] 11/9 13/10 13/15 14/5 28/16 29/14	16/9 16/19 17/6 17/14 17/24 18/22 19/5
<b>JUROR NO. 1: [2]</b> 21/3 33/3	31/9	19/14 19/22 20/7 20/16 <b>abetting [9]</b> 13/10 13/15 14/5 18/6 28/16
<b>JUROR NO. 2: [2]</b> 21/6 33/6	<b>2018</b> [4] 11/9 18/7 30/11 32/6	29/14 30/10 31/9 32/5
JUROR NO. 3: [2] 21/9 33/9	2019 [1] 1/7	<b>about</b> [11] 3/12 11/9 11/9 13/10 13/15 14/5
JUROR NO. 4: [2] 21/12 33/12	<b>2020</b> [4] 35/18 35/18 35/19 35/20	18/6 23/14 24/11 25/19 35/6
JUROR NO. 5: [2] 21/15 33/15 JUROR NO. 6: [2] 21/18 33/18	<b>21</b> [2] 23/20 24/17 <b>211</b> [1] 1/19	above [1] 36/19
JUROR NO. 7: [2] 21/21 33/21	<b>215</b> [4] 1/15 1/20 2/5 2/9	above-entitled [1] 36/19
JUROR NO. 9: [2] 22/2 34/2	<b>22</b> [2] 11/9 13/10	Absolutely [1] 5/13
MR. GOLDMAN: [1] 3/4	<b>24</b> [1] 24/11	accept [1] 26/25   Act [3] 3/15 3/18 36/2
MR. HUGHES: [12] 4/12 6/4 6/12 6/15	<b>2609</b> [1] 1/24	actually [1] 36/3
6/20 6/24 7/2 7/5 7/10 7/21 25/6 25/17 <b>MR. MEEHAN: [8]</b> 9/6 9/9 9/11 9/14 9/25	<b>267</b> [1] 1/25	additional [4] 4/9 4/9 10/14 22/23
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MR. ORTIZ: [2] 27/11 27/17	28 grams [4] 13/23 14/24 16/3 17/7	admirably [1] 36/9
MR. STENGEL: [3] 8/13 8/16 8/23	<b>280</b> grams [1] 12/13	adopted [1] 22/19   advise [1] 9/15
MR. WITHERELL: [28] 3/7 3/10 3/17 4/5		advise [1] 9/13 advised [3] 3/2 10/19 28/10
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SPECIAL AGENT BECKER: [1] 36/10	3	agents [2] 36/8 36/13
SPECIAL AGENT SIMPSON: [1] 36/11	<b>30 [8]</b> 23/19 24/16 28/21 29/19 30/15 31/14	agree [63]
THE CLERK: [75]	32/10 35/17	<b>agreed [8]</b> 6/22 23/2 23/7 24/1 24/4 24/22 26/23 26/25
THE COURT: [100]	302 [1] 2/12	agreement [2] 25/1 25/4
THE FOREPERSON: [55]	<b>35</b> [7] 23/19 24/16 28/20 29/18 30/15 31/13	ahead [2] 29/3 31/21
THE MARSHAL: [1] 28/1	32/10   <b>3787 [1]</b> 2/9	aided [16] 13/23 14/23 15/7 15/17 16/2 16/9
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